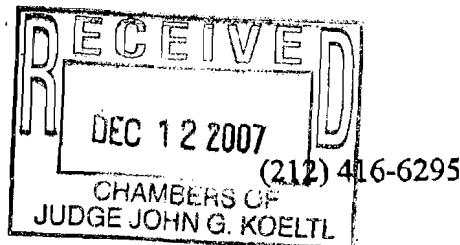




STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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November 13, 2007

BY HAND  
Honorable John G. Koeltl  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street, Rm. 1030  
New York, New York 10007

APPLICATION GRANTED  
SO ORDERED

*John G. Koeltl*  
John G. Koeltl, U.S.D.J.

Re: Samuel Davis v. Rhoomes, et al. / 07 Cv. 6592 (JGK)

Dear Judge Koeltl:

I represent defendants Diane Van Buren, Robert Jones, C. Degnan, Paul Faliski and Sabrina Andino in this matter. Although the docket sheet in this case indicates that defendant Rhoomes has been served with the summons and complaint, I have not yet received a request for representation by this Office from defendant Rhoomes, pursuant to New York State Public Officers Law § 17. If and when Officer Rhoomes requests representation, she will join in this request for an extension.

I write to request an extension of time by which the defendant must oppose plaintiff's motion to amend his amended complaint until December 20, 2007. Plaintiff pro se has not been contacted for his consent as he is presently incarcerated.

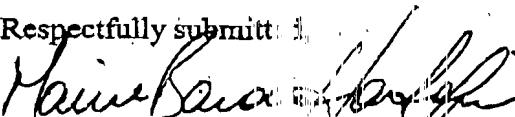
As the Court is aware, defendants' response to plaintiff's complaint is due on November 13, 2007. Plaintiff, however, has now served a motion to amend the amended complaint and the Court has ordered that defendants respond by November 23, 2007.

Honorable John G. Koeltl  
Davis v. Rhoomes, et al. / 07 Civ. 6592 (JGK)

I will be on trial in the matter of Wyatt v. Cataby et al., 04 cv 7516, which is scheduled to commence on November 13, 2007 before the Honorable Colleen McMahon and might extend into the week of November 19, 2007. Due to the trial schedule, the upcoming Thanksgiving holiday defendants respectfully request that the time by which they must submit opposition to plaintiff's motion to amend the complaint be extended to December 20, 2007. Moreover, defendants respectfully request that the time to respond to the amended complaint be adjourned until three weeks after the Court issues a ruling on the motion to amend.

With respect to plaintiff's claim that he continues to be retaliated against by individuals at Mid-Orange Correctional Facility, I have been advised that plaintiff has been transferred to Fishkill Correctional Facility and will not be returning to Mid-Orange. Therefore, any request for injunctive relief is moot. "In this Circuit, an inmate's transfer from a prison facility generally moots claims for declaratory and injunctive relief against officials of that facility." Salahuddin v. Goord, 467 F.3d 263 (2d Cir. 2006)(citing Prins v Coughlin, 76 F.3d 504, 506 (2d Cir. 1996) (per curium); Young v. Coughlin, 866 F.2d 567, 568 n.1 (2d Cir. 1989), Mawhinney v. Henderson, 542 F.2d 1, 2 (2d Cir. 1976))." In light of plaintiff's transfer, should the Court direct that defendants still address each claim in support of his motion for an injunction directly, defendants respectfully request until December 20, 2007 to do so.

Respectfully submitted,

  
MARIA BAROUS HARTOFILAS  
Assistant Attorney General

cc: Samuel Davis  
Plaintiff - Pro Se  
By first class mail